D.B. CIVIL CONTEMPT PETITION NO.217/2006

Trilok Chand Dabi Vs. Sh. O.P. Harsh RAS & Ors.

Date : 03.10.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HONBLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. G.R. Punia for the petitioner.

This contempt petition is barred by time. Moreover we find from the material placed before us that in compliance of the directions issued by this Court while allowing the special appeal on 18.9.2003, the Municipal Council has passed an order giving the petitioner promotion w.e.f. 5.11.1977 as U.D.C. with effect from the date person junior to him was so promoted and also further giving promotion to him w.e.f. 5.11.82 on the post of Junior Accountant and on the post of Senior Accountant w.e.f. 5.11.1987. The resolution has also been passed to provide him arrears with effect from 1.10.1999. However, the petitioner contends that those orders have not been implemented.

Apparently, the orders of promotion takes effect when the same are made. Hence, non-implementation of such orders cannot arise so far as arrears of salaries concerned, the same has already been directed to be paid to the petitioner as per Municipal Corporation's resolution. In the circumstances, it is not a case for initiating contempt proceedings at this stage.

Subject to petitioner's right to seek his remedy for implementation of the resolution passed by the Municipal Council, if not already implemented this contempt petition fails and is hereby rejected.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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